

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
BETTY BECKLES,

Plaintiff,

-against-

THE CITY OF NEW YORK, Does 1 'through' 10  
inclusive,

Defendants.

**ANSWER TO THE  
AMENDED COMPLAINT ON  
BEHALF OF DEFENDANT  
CITY OF NEW YORK**

Jury Trial Demanded

08 Civ. 3687 (RJH)

----- x  
Defendant City of New York, by its attorney, Michael A. Cardozo, Corporation Counsel of the City of New York, for its answer to the Amended Complaint, respectfully alleges, upon information and belief, as follows:

1. Denies the allegations set forth in paragraph "1" of the Amended Complaint, except admits that plaintiff purports to proceed as stated therein.

2. Denies the allegations set forth in paragraph "2" of the Amended Complaint, except admits that plaintiff purports to proceed as stated therein.

3. Denies the allegations set forth in paragraph "3" of the Amended Complaint, except admits that plaintiff purports to invoke the jurisdiction of the Court as set forth therein.

4. Denies the allegations set forth in paragraph "4" of the Amended Complaint, except admits that plaintiff purports to invoke the jurisdiction of the Court as set forth therein.

5. Denies the allegations set forth in paragraph "5" of the Amended Complaint, except admits that plaintiff purports to base venue as set forth therein.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "6" of the Amended Complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "7" of the Amended Complaint, except admits that plaintiff purports to proceed as stated therein.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "8" of the Amended Complaint, except admits that plaintiff purports to proceed as stated therein.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "9" of the Amended Complaint, except admits that the City of New York is a municipality in New York State.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "10" of the Amended Complaint, and denies the allegations that plaintiff was arrested without probable cause and/or justification.

11. Denies the allegations set forth in paragraph "11" of the Amended Complaint except denies knowledge or information sufficient to form a belief as to the truth of the allegations regarding whether officers took plaintiff to the precinct and regarding what, if anything, plaintiff stated to officers.

12. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "12" of the Amended Complaint.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "13" of the Amended Complaint.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "14" of the Amended Complaint.

15. Denies the allegations set forth in paragraph "15" of the Amended Complaint.

16. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "16" of the Amended Complaint.

17. Denies the allegations set forth in paragraph "17" of the Amended Complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph "18" of the Amended Complaint, except denies the allegations that police engaged in brutal and unlawful actions.

19. Denies the allegations set forth in paragraph "19" of the Amended Complaint.

20. Denies the allegations set forth in paragraph "20" of the Amended Complaint.

21. Denies the allegations set forth in paragraph "21" of the Amended Complaint.

22. Denies the allegations set forth in paragraph "22" of the Amended Complaint.

23. Denies the allegations set forth in paragraph "23" of the Amended Complaint.

24. Denies the allegations set forth in paragraph "24" of the Amended Complaint.

25. Denies the allegations set forth in paragraph "25" of the Amended Complaint.

26. Denies the allegations set forth in paragraph "26" of the Amended Complaint.

27. Denies the allegations set forth in paragraph "27" of the Amended Complaint.

28. Denies the allegations set forth in paragraph "28" of the Amended Complaint.

29. Denies the allegations set forth in paragraph "29" of the Amended Complaint, except admits that this action was filed with the Court on or about April 17, 2008.

30. In response to the allegations set forth in paragraph "30" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "29" of this answer as if fully set forth herein.

31. Denies the allegations set forth in paragraph "31" of the Amended Complaint.

32. Denies the allegations set forth in paragraph "32" of the Amended Complaint.

33. Denies the allegations set forth in paragraph "33" of the Amended Complaint and respectfully refers all questions of law to the Court.

34. Denies the allegations set forth in paragraph "34" of the Amended Complaint.

35. In response to the allegations set forth in paragraph "35" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "34" of this answer as if fully set forth herein.

36. Denies the allegations set forth in paragraph "36" of the Amended Complaint.

37. Denies the allegations set forth in paragraph "37" of the Amended Complaint.

38. Denies the allegations set forth in paragraph "38" of the Amended Complaint and respectfully refers all questions of law to the Court.

39. Denies the allegations set forth in paragraph "39" of the Amended Complaint.

40. Denies the allegations set forth in paragraph "40" of the Amended Complaint.

41. In response to the allegations set forth in paragraph "41" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "40" of this answer as if fully set forth herein.

42. Denies the allegations set forth in paragraph "42" of the Amended Complaint.

43. Denies the allegations set forth in paragraph "43" of the Amended Complaint.

44. In response to the allegations set forth in paragraph "44" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "43" of this answer as if fully set forth herein.

45. Denies the allegations set forth in paragraph "45" of the Amended Complaint.

46. Denies the allegations set forth in paragraph "46" of the Amended Complaint.

47. Denies the allegations set forth in paragraph "47" of the Amended Complaint.

48. Denies the allegations set forth in paragraph "48" of the Amended Complaint.

49. Denies the allegations set forth in paragraph "49" of the Amended Complaint.

50. Denies the allegations set forth in paragraph "50" of the Amended Complaint.

51. Denies the allegations set forth in paragraph "51" of the Amended Complaint.

52. Denies the allegations set forth in paragraph "52" of the Amended Complaint.

53. Denies the allegations set forth in paragraph "53" of the Amended Complaint.

54. In response to the allegations set forth in paragraph "54" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "53" of this answer as if fully set forth herein.

55. Denies the allegations set forth in paragraph "55" of the Amended Complaint.

56. Denies the allegations set forth in paragraph "56" of the Amended Complaint.

57. Denies the allegations set forth in paragraph "57" of the Amended Complaint.

58. Denies the allegations set forth in paragraph "58" of the Amended Complaint.

59. In response to the allegations set forth in paragraph "59" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "58" of this answer as if fully set forth herein.

60. Denies the allegations set forth in paragraph "60" of the Amended Complaint, and respectfully refers all questions of law to the Court.

61. Denies the allegations set forth in paragraph "61" of the Amended Complaint.

62. Denies the allegations set forth in paragraph "62" of the Amended Complaint.

63. Denies the allegations set forth in paragraph "63" of the Amended Complaint.

64. Denies the allegations set forth in paragraph "64" of the Amended Complaint.

65. In response to the allegations set forth in paragraph "65" of the Amended Complaint, defendant repeats and realleges paragraphs "1" through "64" of this answer as if fully set forth herein.

66. Denies the allegations set forth in paragraph "66" of the Amended Complaint.

67. Denies the allegations set forth in paragraph "67" of the Amended Complaint.

68. Denies the allegations set forth in paragraph "68" of the Amended Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE:**

69. The Amended Complaint fails to state a claim upon which relief can be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE:**

70. Defendant has not violated any rights, privileges or immunities under the Constitution or laws of the United States or the State of New York or any political subdivision thereof or any act of Congress providing for the protection of civil rights.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE:**

71. At all times relevant to the acts alleged in the Amended Complaint, defendant City acted reasonably in the proper and lawful exercise of its discretion.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:**

72. Any injury alleged to have been sustained resulted from plaintiff's own culpable or negligent conduct and/or the intervening conduct of third parties and was not the proximate result of any act of the defendant.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:**

73. This action is barred in whole or in part by the applicable statute of limitations.



**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:**

74. Plaintiff has failed to comply, in whole or in part, with conditions precedent to suit under state law.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE:**

75. To the extent applicable there was probable cause for plaintiff's arrest, detention and prosecution.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE:**

76. Plaintiff provoked any incident with defendant(s).

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE:**

77. Plaintiff cannot recover punitive damages as against the City of New York.

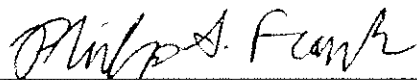
**AS AND FOR A TENTH AFFIRMATIVE DEFENSE:**

78. To the extent that the complaint alleges any claims against the City of New York arising under state law, such claims are barred by the doctrine of immunity for judgmental errors in the exercise governmental functions.

**WHEREFORE**, defendant City of New York requests judgment dismissing the Amended Complaint in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
August 1, 2008

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant City of New York  
100 Church Street, Room 3-183  
New York, New York 10007  
(212) 788-0893

By:   
Philip S. Frank  
Assistant Corporation Counsel

To: Nkereuwem Umoh, Esq. (via E.C.F. and first class mail)  
255 Livingston Street, 4<sup>th</sup> Floor  
Brooklyn, NY 11217

Docket No. 08 Civ. 3687 (RJH)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BETTY BECKLES,

Plaintiff,

-against-

THE CITY OF NEW YORK, Does 1 'through' 10  
inclusive,

Defendants.

**ANSWER TO THE AMENDED COMPLAINT  
ON BEHALF OF DEFENDANT CITY OF  
NEW YORK**

**MICHAEL A. CARDOZO**

*Corporation Counsel of the City of New York*

*Attorney for Defendant City of New York*

*100 Church Street*

*New York, New York 10007*

*Of Counsel: Philip S. Frank*

*Tel: (212) 788-0893*

*NYCLIS No. 2008-019346*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2008*

*..... Esq.*

*Attorney for .....*